## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

SMARTFLASH LLC and SMARTFLASH TECHNOLOGIES LIMITED,	) ) )
Plaintiffs,	) )
v.	) Civil Action No. 6:13-cv-447
APPLE INC., ROBOT ENTERTAINMENT, INC., KINGSISLE ENTERTAINMENT, INC., and GAME CIRCUS LLC,	) ) )
Defendants.	) )

- I, David W. Nichols, hereby declare as follows:
- I am employed as President and COO at KingsIsle Entertainment Incorporated ("KingsIsle"). I have worked at KingsIsle since 2005.
- 2. Unless otherwise indicated below, the statements in this declaration are based upon my personal knowledge or corporate records maintained by KingsIsle in the ordinary course of business. I submit this declaration in connection with Apple's Motions to Sever and Transfer.
- 3. The Crown Shop in Grub Guardian uses the Apple Store Kit and the Server Delivery Model to track and deliver products users purchase from the Crown Shop.
  - 4. The Apple Store Kit is not used in conjunction with WizardBlox.
  - 5. KingsIsle does not oppose Apple's Motion to Sever.
  - 6. KingsIsle consents to Apple's Motion to Transfer.

Executed on October 11, 2013

Dew Mikele